

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 1 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. Omnibus Parks and Public Lands Management Act of 1996](#)

Comparative Print: Changes in Existing Law

1. Omnibus Parks and Public Lands Management Act of 1996

[As Amended Through P.L. 116–94, Enacted December 20, 2019]

DIVISION I—

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TITLE VII—FEES

Sec. 701. SKI AREA PERMIT RENTAL CHARGE.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4.

1915 (38 Stat. 1101, chapter 144: 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading “SURVEYING THE PUBLIC LANDS” under the heading “UNDER THE DEPARTMENT OF THE INTERIOR” in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b) (1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

- (A) 1.5 percent of all adjusted gross revenue below \$3,000,000;
- (B) 2.5 percent for adjusted gross revenue between \$3,000,000 and \$15,000,000;
- (C) 2.75 percent for adjusted gross revenue between \$15,000,000 and \$50,000,000; and
- (D) 4.0 percent for the amount of adjusted gross revenue that exceeds \$50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\text{SAPF} = ((\text{LT} + \text{SS}) \times \text{STFP}) + \text{GRAF} = \text{AGR}; \text{AGR} \times \% \text{ BRACKETS}$$

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge required by this section is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, United States Forest Service.

(d) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: *Provided*, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this section, the rental charge paid by any individual permittee shall be—

- (1) for the 1995-1996 permit year, either the rental charge paid for the preceding 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher;
- (2) for the 1996-1997 permit year, either the rental charge paid for the 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher; and
- (3) for the 1997-1998 permit year, either the rental charge for the 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995-1996, 1996-1997, or 1997-1998 permit years falls more than 10 percent below the adjusted gross revenue for the 1994-1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this section.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms “*revenue*” and “*sales*”, as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets offered for commercial or other promotional purposes) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of \$2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one-half of 1 percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five-year period in a manner providing for increases of approximately equal increments.

(i) To reduce Federal costs in administering the provisions of this section, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(j) Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

(k) SKI AREA FEE RETENTION ACCOUNT.—(1) DEFINITIONS.— In this subsection:

(A) ACCOUNT.— The term “‘**Account**’” means the Ski Area Fee Retention Account established under paragraph (2).

(B) COVERED UNIT.— The term “‘**covered unit**’” means the unit of the National Forest System that collects the ski area permit rental charge under this section.

(C) SECRETARY.— The term ‘Secretary’ means the Secretary of Agriculture.

(2) ESTABLISHMENT.— The Secretary of the Treasury shall establish a special account in the Treasury, to be known as the ‘Ski Area Fee Retention Account’.

(3) DEPOSITS.— Subject to paragraphs (4) and (5), a ski area permit rental charge collected by the Secretary under this section shall—

(A) be deposited in the Account;

(B) be available to the Secretary for use, without further appropriation; and

(C) remain available for the period of 4 fiscal years beginning with the first fiscal year after the fiscal year in which the ski area permit rental charge is deposited in the Account under subparagraph (A).

(4) DISTRIBUTION OF AMOUNTS IN THE ACCOUNT.—(A) LOCAL DISTRIBUTION OF FUNDS.—

(i) IN GENERAL.— Except as provided in subparagraph (C), the Secretary shall expend 80 percent of the ski area permit rental charges deposited in the Account from a covered unit at the covered unit in accordance with clause (ii).

(ii) DISTRIBUTION.— Of the amounts made available for expenditure under clause (i)—

(I) 75 percent shall be used at the covered unit for activities described in paragraph (5)(A); and

(II) 25 percent shall be used for activities at the covered unit described in paragraph (5)(B).

(B) AGENCY-WIDE DISTRIBUTION OF FUNDS.— The Secretary shall expend 20 percent of the ski area permit rental charges deposited in the Account from a covered unit at any unit of the National Forest System for an activity described in subparagraph (A) or (B) of paragraph (5).

(C) REDUCTION OF PERCENTAGE.—

(i) REDUCTION.— The Secretary shall reduce the percentage otherwise applicable under subparagraph (A)(i) to not less than 60 percent if the Secretary determines that the amount otherwise made available under that subparagraph exceeds the reasonable needs of the covered unit for which expenditures may be made in the applicable fiscal year.

(ii) DISTRIBUTION OF FUNDS.— The balance of the ski area permit rental charges that are collected at a covered unit, deposited into the Account, and not distributed in accordance with subparagraph (A) or (B) shall be available to the Secretary for expenditure at any other unit of the National Forest System in accordance with the following:

(I) 75 percent shall be used for activities described in paragraph (5)(A).

(II) 25 percent shall be used for activities described in paragraph (5)(B).

(5) EXPENDITURES.— Amounts available to the Secretary for expenditure from the Account shall be only used for—

(A)

(i) the administration of the Forest Service ski area program, including—

(I) the processing of an application for a new ski area or a ski area improvement project, including staffing and contracting for the processing; and

(II) administering a ski area permit described in subsection (a);

(ii) staff training for—

(I) the processing of an application for—

(aa) a new ski area;

(bb) a ski area improvement project; or

(cc) a special use permit; or

(II) administering—

(aa) a ski area permit described in subsection (a); or

(bb) a special use permit;

(iii) an interpretation activity, National Forest System visitor information, a visitor service, or signage;

(iv) direct costs associated with collecting a ski area permit rental charge or other fee collected by the Secretary related to recreation;

(v) planning for, or coordinating to respond to, a wildfire in or adjacent to a recreation site, particularly a ski area; or

(vi) reducing the likelihood of a wildfire starting, or the risks posed by a wildfire, in or adjacent to a recreation site, particularly a ski area, except through hazardous fuels reduction activities; or

(B)

(i) the repair, maintenance, or enhancement of a Forest Service-owned facility, road, or trail directly related to visitor enjoyment, visitor access, or visitor health or safety;

(ii) habitat restoration directly related to recreation;

(iii) law enforcement related to public use and recreation;

(iv) the construction or expansion of parking areas;

(v) the processing or administering of a recreation special use permit;

(vi) avalanche information and education activities carried out by the Secretary or nonprofit partners;

(vii) search and rescue activities carried out by the Secretary, a local government, or a nonprofit partner; or

(viii) the administration of leases under—

(I) the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109–54); and

(II) section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115–334).

(6) LIMITATION.— Amounts in the Account may not be used for—

(A) the conduct of wildfire suppression; or

(B) the acquisition of land for inclusion in the National Forest System.

(7) EFFECT.—

(A) IN GENERAL.— Nothing in this subsection affects the applicability of section 7 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’) (16 U.S.C. 580d), to ski areas on National Forest System land.

(B) SUPPLEMENTAL FUNDING.— Rental charges retained and expended under this subsection shall supplement (and not supplant) appropriated funding for the operation and maintenance of each covered unit.

(C) COST RECOVERY.— Nothing in this subsection affects any cost recovery under any provision of law (including regulations) for processing an application for or monitoring compliance with a ski area permit or other recreation special use permit.

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Summary

- (1) 1 amendments.
- (2) 0 automated notifications.

About this report

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